

# **EXHIBIT 1**

Melvyn A. Anhalt, M.D.

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT WEST VIRGINIA  
CHARLESTON DIVISION

IN RE: ETHICON, INC., ) Master File  
PELVIC REPAIR SYSTEM ) No. 2:12-MD-02327  
PRODUCTS LIABILITY )  
LITIGATION ) JOSEPH R. GOODWIN  
 ) U.S. DISTRICT JUDGE

\_\_\_\_\_) \_\_\_\_\_  
 )  
THIS DOCUMENT RELATES TO ) Case No. 2:12-CV-00489  
PLAINTIFFS: )  
 )  
MELISSA AND CHARLES )  
CLAYTON )

\*\*\*\*\*

ORAL DEPOSITION OF  
MELVYN A. ANHALT, M.D.

APRIL 1, 2016

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1           ORAL DEPOSITION OF MELVYN A. ANHALT, M.D.,  
2     produced as a witness at the instance of the  
3     DEFENDANTS, and duly sworn, was taken in the  
4     above-styled and numbered cause on the 1st of April,  
5     2016, from 3:29 p.m. to 5:18 p.m., before Tamara  
6     Vinson, CSR in and for the State of Texas, reported by  
7     machine shorthand, at Hilton Houston Westchase, 9999  
8     Westheimer Road, Ambassador Room, Houston, Texas,  
9     77042, pursuant to the Federal Rules of Civil  
10    Procedure and the provisions stated on the record or  
11    attached hereto.

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A P P E A R A N C E S

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ALSO PRESENT:

Ms. Tamara Vinson, Court Reporter

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1 case?

2 A. Yes, you have.

3 Q. Okay. Thank you, sir.

4 Now, we have talked about your prior business  
5 relationship with Johnson & Johnson. I think you  
6 described that as a medical consultant?

7 A. Correct.

8 Q. Okay. And if we go to your CV, which we've  
9 marked as Exhibit B.

10 A. Uh-huh.

11 Q. If we go to your CV --

12 A. Uh-huh.

13 Q. -- there's a couple questions I have here.

14 A. Okay.

15 Q. So you have it in front of you and if you'd  
16 please turn to Page 5 of your CV.

17 A. (Complying.)

18 Q. Okay. It has your name in the upper  
19 left-hand corner of this page. And then if we go down  
20 a little bit, the third -- the third entry on Page 5  
21 of Exhibit B?

22 A. Uh-huh.

23 Q. Your CV, it says 2000 to 2010.

24 A. May have been 2000 -- I said 2011, but it

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1 might have been ending in 2010.

2 Q. That's why I'm taking you to this.

3 A. Uh-huh.

4 Q. And it's -- I don't mean this as a --

5 A. Right. No, this is --

6 Q. -- oh, you were off by a year.

7 (Speaking simultaneously.)

8 Q. And Doctor, I simply bring this is it might  
9 be helpful to both of us. And I appreciated when you  
10 were referring to the work in your prior business  
11 relationship with Johnson & Johnson and Ethicon. This  
12 seems in my mind to be what you were talking about on  
13 Page 5 of Exhibit C -- or B. Am I correct?

14 A. Yes.

15 Q. Okay. And the dates we have here either  
16 might be off by a little bit, but are from  
17 approximately 2000 to approximately 2010 you were  
18 medical consultant regarding urinary incontinence for  
19 Johnson & Johnson. Correct?

20 A. Correct.

21 Q. Okay. And this is the work that you  
22 described earlier that you earned approximately  
23 \$125,000 for over the years. Correct?

24 A. Yes, sir.

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1 Q. Okay. And maybe it was 2010 when you  
2 stopped, it might have been 2011, but either way, you  
3 have described for us the type of consulting work you  
4 had done for Johnson & Johnson and Ethicon in the  
5 past?

6 A. Yes.

7 Q. Okay. Now, approximately how often each year  
8 between approximately 2000 and approximately 2010  
9 would you do this work, consulting work, for Johnson &  
10 Johnson and Ethicon?

11 A. I don't know exactly.

12 Q. Okay.

13 A. Probably -- it would certainly be at least  
14 once a month.

15 Q. Okay.

16 A. And sometimes twice a month.

17 Q. Do you recall where you would physically do  
18 that?

19 A. At Memorial Hermann Hospital in Memorial  
20 City.

21 Q. Here in Texas?

22 A. Yes.

23 Q. Okay. You didn't have to fly anywhere for  
24 that?

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1           A.     And I had -- I had a little book that had  
2     experiments -- this was related to the mesh, related  
3     to the FDA approval of this and FDA approval of the  
4     TVT, and then studies that -- not that they had done,  
5     but studies that had been done at different  
6     institutions. And then they sent me -- I had -- at  
7     one time I had videos of the procedures.

8           Q.     Okay. And those were some of the things you  
9     said you discarded?

10          A.     Yeah.

11          Q.     Okay. Did you receive from them any type of  
12     company-specific directions or instructions as to how  
13     to put on presentations or, you know, a certain order  
14     to go in or --

15          A.     They -- they'd sent me slides, but I didn't  
16     like the slides because I'm better at explaining  
17     things than I thought their slides were, and I didn't  
18     use them.

19          Q.     Okay. Understood. Did you save any of the  
20     slides?

21          A.     No.

22          Q.     Okay.

23          A.     In fact, I threw them away shortly after they  
24     sent them.



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1           Q.     That was one -- okay. So you're explaining  
2     one thing that you didn't throw away only after the  
3     devices were taken off the market, you threw the  
4     slides away --

5           A.     Right.

6           Q.     -- rather quickly after receiving them?

7           A.     I thought they were terrible.

8           Q.     Okay. Now, you had mentioned --

9           A.     I'm just honest.

10          Q.     You had mentioned the pay that you received.

11          A.     Yeah.

12          Q.     Did you receive anything else of value from  
13     Johnson & Johnson or Ethicon in connection with the  
14     work that you did, whether it be meals or expense  
15     reimbursements or anything of that nature?

16          A.     The most valuable thing that I received from  
17     Johnson & Johnson was the ability to once a year go to  
18     an annual meeting and at this annual meeting were  
19     usually about 50 doctors from around the country.  
20     Some were chairmen of departments, some were -- and  
21     head of pelvic floor centers and everybody was -- was  
22     a topnotch guy from somewhere.

23                     And they divided everybody up into groups and  
24     we were given tasks in each group to talk about any

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1 problems we've had with the surgery, any problems we  
2 had with the mesh, what did we want to change about  
3 the mesh, if anything, how could we make things  
4 better, are there any techniques that need to be  
5 re-looked at, is there any changes that need to be  
6 made. And I thought that was -- of all the things  
7 they did for me, that was the best.

8 Q. Okay.

9 A. I got more out of that. I talked -- I was on  
10 a panel discussion with a guy who's in charge of the  
11 pelvic floor center from Cleveland Clinic. There was  
12 a guy there from Johns Hopkins. There was a guy there  
13 from Seattle. They were from all over the country and  
14 they were all -- most of them were academic.

15 Q. Okay.

16 A. You know, in academic centers. Many of them  
17 had written lots of papers. Guy from Miami -- I mean,  
18 Florida that was doing tons of these procedures. And  
19 so that was the single best thing -- the money I'd  
20 give them back, but that experience of going to that  
21 was just unbelievable.

22 Q. Okay.

23 A. I got to talk to this guy, oh, how do you do  
24 this and why do you do this and what do you this way

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1 and what do you think about this, and we talked about  
2 it. And then each group that would divide up would  
3 have a spokesman and then we would have a group of  
4 everybody and the spokesman would present what this  
5 group said and the spokesman would say what this group  
6 says. I got an education that I couldn't possibly  
7 have paid for.

8 Q. You felt like that --

9 A. And they fed me is all -- they fed -- okay.  
10 They fed me and paid my hotel bill wherever it was  
11 held.

12 Q. Okay. Are you done?

13 A. I'm done.

14 Q. I don't want to talk over you.

15 A. Okay.

16 Q. Thank you. And you felt -- I'm getting a  
17 sense from you that that once-a-year thing that you  
18 were allowed to go to with the Ethicon people truly  
19 benefited you specifically in connection with your  
20 ability to work with these devices, learn about these  
21 devices, learn about problems with the devices, learn  
22 about ways to improve the devices. True?

23 A. Yes, sir.

24 Q. Okay. And Ethicon would fly you there, put

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1     you up in the hotel, pay for the dinners and things of  
2     that nature. True?

3           A.     Yes, sir.

4           Q.     Okay. Was it in the same place each year or  
5     did it happen in different locations each year?

6           A.     Different locations to make it convenient --  
7     equally inconvenient or convenient for whoever is  
8     coming from where.

9           Q.     Okay. It wasn't always on the East Coast so  
10    somebody from the West Coast always had it as  
11    inconvenient; it moved around the country?

12          A.     Yes, sir.

13          Q.     Okay. Do you remember what locations they  
14    were in?

15          A.     Well, one was in -- I think one was in  
16    Atlanta, one was in New Jersey, one was in Miami, one  
17    was somewhere out in California. I think one was in  
18    Dallas, one was in maybe -- I don't remember any  
19    others.

20          Q.     Did you ever have one here?

21          A.     No.

22          Q.     Okay. Gotcha. But wherever, different  
23    places once a year. True?

24          A.     Yes, sir.

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1 THE STATE OF TEXAS:  
COUNTY OF FT. BEND:

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3 I, Tamara Vinson, a Certified Shorthand  
Reporter and Notary Public in and for the State of  
4 Texas, do hereby certify that the facts as stated by  
me in the caption hereto are true; that the above and  
5 foregoing answers of the witness, MELVYN A. ANHALT,  
M.D., to the interrogatories as indicated were made  
before me by the said witness after being first duly  
6 sworn to testify the truth, and same were reduced to  
typewriting under my direction; that the above and  
7 foregoing deposition as set forth in typewriting is a  
full, true, and correct transcript of the proceedings  
8 had at the time of taking of said deposition.

9 I further certify that I am not, in any  
capacity, a regular employee of the party in whose  
10 behalf this deposition is taken, nor in the regular  
employ of his attorney; and I certify that I am not  
11 interested in the cause, nor of kin or counsel to  
either of the parties.

12

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on  
13 this, the 11 day of April, 2016.

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Tamara Vinson, Texas CSR No. 3015

Expiration Date: 12-31-2016

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